IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2434 OF 2005

Ibrahim Adam Patel Petitioner.
Vs.
The State of Maharashtra
And others Respondents.

Smt. S.A. Dhamale for the petitioner.
Mr.D.R. More, A.P.P. for the State.

**CORAM : SMT. RANJANA P. DESAI &
ANOOP V.MOHTA JJ.**

DATE : 28TH OCTOBER, 2005.

P.C.

. Rule. By consent of the parties taken up for hearing. The petitioner is lodged in Nasik Road Central Prison. He is convicted for the offence under section 22,20(b), (ii) of Narcotic Drugs and Psychotropic Substances Act. It appears that the petitioner has prayed for parole to respondent 2 on 19/4/2005 on the ground of his wife’s illness. However, his application has been rejected by order dated 25/7/2005 on the ground that the petitioner is convicted for the offences under Narcotic Drugs and Psychotropic Substances Act and if he is released on parole it will be dangerous. The petitioner preferred an appeal before the State

Government and the State Government by its order dated 30th September, 2005 rejected the petitioner's appeal. The petitioner has therefore, filed this petition praying that he may be released on parole by setting aside the orders passed by respondent 2 and 3. We have heard the learned Counsel for the petitioner. The learned Counsel for the petitioner has produced in this Court a medical certificate issued by Mayo Hospital dated 26/10/2005. It is taken on record and marked as "X". The certificate mentions that the wife of the petitioner is suffering from Infective Hepatitis and she has been advised admission. The learned Counsel for the petitioner contended that there is nobody to look after the petitioner's wife and therefore, the petitioner may be released on parole for 30 days. It appears that on 3 earlier occasions the petitioner was released on Parole for different reasons and he has surrendered to the prison after expiry of parole period. The case of the petitioner that his wife is ill it appears to be genuine and in view of the certificate issued by Mayo Hospital, we feel that the petitioner should be released on parole. Hence the order.

. The impugned orders passed by respondent 2 and 3

are set aside. The petitioner Ibrahim Adam Patel is ordered to be released on parole for a period of three weeks from the date of his release on his furnishing solvent surety to the satisfaction of the respondent 2 in the sum of Rs. 20,000/- with option to give one or two sureties to make up the amount. He shall furnish the Bhopal address where he will be staying during the parole leave and report to the nearest police station Shahajanbad or in the alternative to the Commissioner of Police, Bhopal on every alternate day. He shall surrender to the prison after expiry of parole period.

(SMT. RANJANA P.DESAI, J)

[ANOOP V. MOHTA, J.]